

Message Text

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ACTION EUR-08

INFO OCT-01 SS-14 ISO-00 EURE-00 SSO-00 NSC-05 NSCE-00

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TO SECSTATE WASHDC IMMEDIATE 8416

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USMISSION NATO PRIORITY

JCS PRIORITY

USNMR SHAPE PRIORITY

USDELMC BRUSSELS PRIORITY

USCINCEUR VAIHINGEN PRIORITY

CINCUSNAVEUR LONDON PRIORITY

CINCUSAFE RAMSTEIN PRIORITY

S E C R E T SECTION 1 OF 2 ATHENS 3028

LIMDIS

E.O. 11652: GDS

TAGS: MARR GR US

SUBJ: US-GREEK BASE NEGOTIATIONS: FIFTH MEETING OF SUBGROUP ON
SOFA QUESTIONS

REF ATHENS 2958

1. ECONOMIDES BEGAN WITH COMMENTS ON US DRAFT ARTICLE ON
CUSTODY, STATING THAT THIS DRAFT "NOT ACCEPTABLE" AS A
WHOLE FOR FOUR REASONS: (A) TEN-YEAR SENTENCE AS DIVIDING
LINE BETWEEN SERIOUS AND LESS SERIOUS OFFENCES WAS NOT
COMPATIBLE WITH GREEK LAW, SINCE FIVE YEARS WAS NORMAL
LIMIT FOR LESS SERIOUS OFFENSES IN GREEK LAW AND WAS
EMBODIED IN GREECE'S CONSULAR CONVENTIONS, FOR EXAMPLE: (B) US
DRAFT MODIFIED RATHER THAN COMPLEMENTING NATO SOFA, THUS
CONTRARY TO THE SPIRIT OF GUIDANCE TO GREEK DELEGATION, (C)

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ALMOST ALL OFFENSES BY US PERSONNEL WOULD FALL WITHIN

CATEGORY OF "NEGLIGENT OFFENSE," WHICH IN US DRAFT WOULD REQUIRE RELEASE AND MAKE GREEK COMPETENCE IN THIS REGARD "NOMINAL;" AND (D) APPLICATION OF DUSTODY PROVISION TO "DEPENDENTS" NOT CONSISTENT WITH NATO SOFA ARTICLE VII. ECONOMIDES PREFERRED TO RETAIN NATO SOFA ARTICLE VII 5, ALTHOUGH HE PERSONALLY WOULD FAVOR AN ADDITIONAL PROVISION SUCH AS: "THE GREEK AUTHORITIES WILL EXAMINE SYMPATHETICALLY ANY REQUEST FROM THE US AUTHORITIES FOR THE PURPOSE OF ASSUMING THE CUSTODY OF AN ACCUSED WHEN THE INTERESTS OF JUSTICE WOULD NOT BE DAMAGED." HE FELT THIS WOULD BROADEN THE RELEASE POSSIBILITY, SINCE RELEASE OF ANY CATEGORY OF ACCUSED WOULD BE CONSIDERED SYMPATHETICALLY, AND PREFERRED ITS FLEXIBILITY TO MORE RIGID TERMS WHICH WOULD BE RECEIVED UNFAVORABLY BY PARLIAMENT AND PUBLIC.

2. IN RESPONSE TO US QUERY, MACHERITSAS IDENTIFIED ARTICLES 18, 52, 53 AND 54 OF GREEK PENAL CODE AS THOSE ESTABLISHING FIVE YEARS AS DIVISION BETWEEN CRIME AND DELICT. IN AN EFFORT TO FIND ROOM FOR COMPROMISE RE OFFENSES PREMISED ON NEGLIGENCE, US SIDE ASCERTAINED FROM GREEKS THAT NEGLIGENCE DIVIDED INTO "HEAVY" AND "LIGHT", ANALOGOUS TO GROSS AND SIMPLE NEGLIGENCE. US SIDE NOTED THAT APPLICATION OF CUSTODY PROVISION TO CIVILIAN COMPONENT AND DEPENDENTS WOULD MEET US DESIRE FOR UNIFORM WAY OF TREATING ALL US PERSONNEL.

3. TURNING TO MFA APP. I, ART. IX, ECONOMIDES FELT PX'S HAVE STIMULATED MUCH CRITICISM FROM INTERESTED GOG MINISTRIES, RESPONSIBLE PRESS, AND PUBLIC. APP. I, ART. IX WENT FURTHER THAN NATO SOFA XI, WHICH GREEK SIDE PREFERRED. GREEKS SAW DIFFICULTY IN PHRASE "...AUTHORIZED PERSONNEL, INCLUDING MEMBERS OF THE US FORCES, ETC." WHICH SEEMED TO BROADEN CATEGORY OF ELIGIBLES IN BROAD BUT INDEFINITE WAY, AND PARTICULAR DIFFICULTY WITH PROHIBITION OF ANY GREEK "RESTRICTIONS." GREEK SIDE HAD NO PROBLEM IN PERMITTING CIVILIAN COMPONENT AND DEPENDENTS TO USE FACILITIES, AS FORESEEN IN NATO SOFA XI, HOWEVER, GREEK SIDE REQUIRED THAT ANY SOLUTION EXCLUDE "ABUSIVE SITUATION" CURRENTLY PREVAILING IN WHICH MANY GREEK-AMERICANS OF DUAL NATIONALITY WERE HIRED LOCALLY AND INCLUDED IN CIVILIAN COMPONENT.

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4. US SIDE SAW TWO ASPECTS OF PROBLEM, DETERMINATION OF WHO LEGITIMATELY MIGHT UTILIZE FACILITIES, AND PREVENTION OF ABUSES BY THOSE PERSONNEL. BETTER DEFINITION OF LEGITIMACY WOULD REDUCE ABUSES FROM BEGINNING, AND US SIDE SHARED GREEK DESIRE TO REDUCE ABUSES. SOME POSSIBILITY OF FLEXIBILITY WAS DESIRED TO COVER SPECIAL CATEGORIES, SUCH AS RED CROSS PERSONNEL. AFTER LONG DISCUSSION OF DUAL NATIONALITY PROBLEM, ECONOMIDES CONCEDED THAT GOG WOULD PERCEIVE NO DIFFICULTY WITH INCLUSION IN CIVILIAN COMPONENT OF DUAL NATIONALE WHO WERE RECRUITED IN US AND ACCOMPANIED FORCE, BUT WOULD EXCLUDE THOSE WHO WERE LONG-TERM RESIDENTS OF GREECE, PARTICULARLY RETIREES. US CONTROL PROCEDURES WERE EXPLAINED AT LENGTH, INCLUDING RATION CARDS, CUSTOMS CONTROL FILES, OSI WORK, ETC, AND INVITED GREEK SIDE TO ABSEVE SYSTEM AT WORK IN PX'S. ECONOMIDES WISHED APPLICATION OF SOME QUANTITATIVE LIMITA-
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TIONS UNDER "REASONABLE QUANTITIES" PROVISION OF NATO SOFA XI 4, AND AGREED THAT WORDING REQUIRING SYSTEM OF CONTROLS, SIMILAR TO WORDING OF MFA, APP. I, ART. IX, SHOULD BE WORKED OUT BY "TECHNICIANS."

5. GREEK SIDE NOTED THAT PX ON SYNGROU AVENUE IN ATHENS SHOULD BE REMOVED FROM CONSPICUOUS OFF-BASE LOCATION AND ONTO A US FACILITY. US SIDE NOTED THAT PRIOR CONSIDERATION BY US SIDE OF VARIOUS WAYS OF REDUCING PROBLEMS PERCEIVED BY GREEKS WITH US FACILITIES HAD INCLUDED POSSIBLE

CONSOLIDATION OF OFF-BASE FACILITIES, BUT THAT HELLENIKON WAS LOGICAL PLACE, SINCE IT WAS ONLY SUPPORT FACILITY IN ATHENS AREA. IN HUMOROUS EXCHANGE, US SIDE EXPRESSED READINESS TO SUGGEST SUCH CONSOLIDATION IF CONTINUED US TENURE ON HELLENIKON AGREED BY GREEK SIDE. GREEK SIDE OBSERVED THAT FUTURE OF HELLENIKON BEYOND COMPETENCE OF SUBGROUP, ALTHOUGH SUCH A SOLUTION SEEMED LOGICAL.

6. REGARDING MFA, APP. I, ART. X, PARA 1 OF WHICH PREVIOUSLY TERMINATED, GREEKS STATED THEY WERE IN ACCORD WITH TERMS OF PAR A 2 EXCEPT THAT THEY WISHED INCLUSION OF REFERENCE TO NEED FOR TECHNICAL AGREEMENTS IN IMPLEMENTATION OF NATO SOFA XI 4. PARA 3 POSED PROBLEMS IN THAT IT WIDENED DEFINITION OF "DEPENDENT" AND DID NOT TAKE CARE OF DUAL NATIONAL PROBLEM, CONCERNING WHICH GREEKS REPEATED POSITION SET FORTH IN PARA 4 ABOVE. US SIDE EXPLAINED DEFINITION OF "DEPENDENTS" SET FORTH IN GERMAN SOFA, WHICH GREEKS ACCEPTED AS BASIS FOR A REASONABLE SOLUTION.

7. CONCERNING MFA, APP. I, ART. XI 1(C), ECONOMIDES NOTED THAT GREEK DRAFT FORESAW TERMINATION OF MEMORANDUM OF FEBRUARY 4, 1953, BUT ACKNOWLEDGED THAT IT STILL VALID ALTHOUGH HE FELT IT WITHOUT FURTHER SUBSTANTIVE VALUE. US SIDE EXPRESSED CONTRARY VIEW, RESULTING IN AGREEMENT TO PURSUE MATTER FURTHER AT NEXT SUBGROUP MEETING AFTER GREEKS HAD OPPORTUNITY TO REVIEW MEMORANDUM. GREEKS HAD NO OBJECTION IN PRINCIPLE TO MFA, APP. I, ART. XI PARA 2 EXCEPT FOR THE LAST PHRASE WHICH SEEMED TO PERMIT ABUSES IN EMPLOYMENT OF LOCALLY-RECRUITED DUAL NATIONALS. POSSIBILITY OF SUBSTITUTION OF "MEMBERS OF CIVILIAN
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COMPONENT" FOR "US NATIONALS" SEEMED TO MEET GREEK CONCERN, SINCE GREEK SIDE DEFINITELY WISHED DUAL NATIONALS RESIDENT IN GREECE WHO MIGHT BE EMPLOYED BY US FORCES TO BE SUBJECT TO GREEK LAW RATHER THAN US LAW.

8. AFTER BRIEF DISCUSSION OF MFA, APP. I, ART. XII, GREEKS ACCEPTED CONTINUATION OF APO'S, PERHAPS WITH INCLUSION OF LANGUAGE EXCLUDING HANDLING OF ANY MATERIAL (E.G. ARCHAEOLOGICAL OBJECTS) PROHIBITED BY GREEK LAW. US SIDE INDICATED THAT GREEK CONCERNS COULD BE MET.

9. US SIDE EXPRESSED READINESS TO MEET SAME EVENING OR SATURDAY AM, BUT GREEK SIDE, WISHING TIME TO STUDY TAX ISSUES, PREFERRED MEETING APRIL 21. KUBISCH

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